

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
)	
v.)	CRIMINAL NO. 05-cr-30046-MAP
)	
)	
EDUARDO PAGAN,)	
Defendant.)	

THE GOVERNMENT'S AND THE DEFENDANT'S STATUS
REPORT PURSUANT TO LOCAL RULE 116.5(A)

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, and Attorney Robert Astor, hereby submit the following status report pursuant to Local Rule 116.5(A) and Magistrate Judge Neiman's written orders.

1. The parties agree that this is not a complex case and therefore relief from the timing requirements imposed by Local Rule 116.3 is unnecessary.

2. The government has provided automatic discovery to the defendant pursuant to Fed.R.Crim.P. 16.1 (C) and 116.2 of the Local Rules of the United States. The government has requested reciprocal discovery pursuant to Fed.R.Crim.P. 16(B)(1)©. The parties do not anticipate any disputes regarding discovery. The Government has ordered transcripts of the video and audio recordings relevant to this case, and will provide the transcripts to the Defendant upon receipt.

3. The parties agree that it is premature for a motion date to be established under Fed.R.Crim.P. 12(c).

4. The parties agree that the time from the initial status date, August 2, 2005 through October 26, 2005 is excludable from the Speedy Trial Act in the interests of justice pursuant to 18 U.S.C. Section 3161(h)(8)(A) and Local Rule 112.2(A)(1),(2), and (3). This case involves audio and video recordings of which counsel has experienced difficulties accessing on his computer. The undersigned Assistant U.S. Attorney met with counsel, and displayed portions of the video recording for counsel. The Government has also arranged for an FBI agent to present the DVD evidence to the Defendant (accompanied by his counsel). Accordingly, the government requests that the Court issue an order indicating that the time from initial appearance to the present is excludable pursuant to Local Rule 112.2(B).

5. The parties are unclear at present whether this case will be resolved pursuant to a trial or a change of plea.

6. The parties agree that it is appropriate to establish a final status conference at this time.

7. Attorney Astor, counsel for Defendant, has indicated his assent to the contents of this report.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Paul Hart Smyth

Paul Hart Smyth
Assistant U.S. Attorney

Robert Astor, Esq.
Counsel for Eduardo Pagan